

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action No. 10-CIV-4218 (TPG)
RICHARD L. SHELTON,

Plaintiff,
-Against-

INFORMATION SUBPOENA

BURGIS D. SETHNA, Individually, and as an
Officer and Officer of Bank Card New York and
Bison Commercial Leasing Corp., BANK CARD
NEW YORK, and BISON COMMERCIAL
LEASING CORP.,

Defendants.

-----X

THE PEOPLE OF THE STATE OF NEW YORK

To: Burgis D. Sethna
Address: 5 Neil Drive
Old Bethpage, NY 11804


WHEREAS, in an action in the United States District Court for the Southern District of New York between plaintiff and defendants who are all the parties named in said action, a judgment was entered on September 5, 2013 in favor of plaintiff in the total amount of \$ 20,455,212.34 of which 20,455,212.34 together with interest thereon from September 5, 2013 remains due and unpaid; and

NOW, THEREFORE, WE COMMAND YOU, that you answer in writing under oath, separately and fully, each question in the questionnaire accompanying this subpoena, each answer referring to the question to which it responds; and that you return the answers together with the original questions within seven (7) days after your receipt of the questions and this subpoena.

TAKE NOTICE that false swearing or failure to comply with this subpoena is punishable as a contempt of court, and that disobedience of this restraining notice is punishable as a contempt of court.

I HEREBY CERTIFY THAT THIS INFORMATION SUBPOENA COMPLIES WITH RULE 5224 OF THE CIVIL PRACTICE LAW AND RULES AND THAT I HAVE A REASONABLE BELIEF THAT THE PARTY RECEIVING THIS SUBPOENA HAS IN THEIR POSSESSION INFORMATION ABOUT THE DEBTOR THAT WILL ASSIST THE CREDITOR IN COLLECTING THE JUDGMENT.

Dated: February 9, 2018
Flushing, NY



Steven T. Beard, Esq.
Coran Ober P.C.
Attorneys for Plaintiff/Judgment Creditor
25-02 Francis Lewis Boulevard
Flushing, NY 11358
(718) 767-1177

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THIS IS A COLLECTION OF A DEBT AND ALL INFORMATION WILL BE USED FOR THAT PURPOSE.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action No. 10-CIV-4218 (TPG)
RICHARD L. SHELTON,

Plaintiff,
-Against-

**QUESTIONS TO BE ANSWERED
IN CONNECTION WITH
INFORMATION SUBPOENA**

BURGIS D. SETHNA, Individually, and as an
Officer and Officer of Bank Card New York and
Bison Commercial Leasing Corp., BANK CARD
NEW YORK, and BISON COMMERCIAL
LEASING CORP.,

Defendant(s).

-----X

State of New York, County of _____ ss:

Burgis D. Sethna, being duly sworn, deposes and says; that deponent is the judgment debtor and recipient of an information subpoena herein and of the original and copy of questions accompanying said subpoena. The answers set forth below are made from the personal knowledge and records of the recipient.

1. What is your full name?
2. Have you ever been known by any other name?
3. What is your occupation or profession?
4. Are you presently employed?
5. By whom and upon what terms?
6. What is your salary and how is it payable?
7. Do you have a contract with your employer?
8. What is your title and what are your duties of employment?
9. Has your salary been the subject of an income execution?
10. By whom?
11. Has he/she a judgment against you?

12. What is the balance of that judgment now?
13. If you are not presently employed, state the date you were last employed?
14. Are you self-employed?
15. If you are self-employed, describe the nature of your business and state the names and addresses of your clients.
16. Do you have an interest in any checking, savings, money market, brokerage, mortgage, credit, lines of credit, retirement, 401(k), or other accounts currently held by any financial institution, either under your own name, under a trade or corporate name, or in association with others, as of the date of the subpoena or within one (1) year prior thereto?
17. As to each such account, what is the exact title of the account, name and address of account holder, and manner of payment, the date opened, amounts presently on deposit; the monthly amount, if closed, the amount on deposit when closed and the date closed?

<u>Title</u>	<u>Date Opened</u>	<u>Amount on Deposit</u>	<u>Date Closed</u>
--------------	--------------------	--------------------------	--------------------

18. Do you own or have an interest in any safe deposit box, whether under your name, under a trade or corporate name, or in association with others, as of the date of the subpoena or within one (1) year prior thereto?
19. As to each such box, what is the exact designation of the lessees thereof, the date hired, the date discontinued, and the names of those having access?

<u>Lessees</u>	<u>Date Hired</u>	<u>Date Discontinued</u>	<u>Those having access</u>
----------------	-------------------	--------------------------	----------------------------

20. Do any persons or entities hold collateral in which you have or may have an interest?

21. What is the description and value of each item of collateral?

Description

Value

22. What interest do you appear to have in each item of collateral?

23. Are you indebted to any other persons or entities?

24. As to each indebtedness, what is the amount of the original indebtedness, the date incurred, amount repaid and date of such repayment?

Amount

Date Incurred

Amount Repaid

Date Repaid

25. Does any person or entity hold any lien, mortgage or otherwise, against any property in which you have an interest?

26. What is the nature of each such lien, the full description of the property affected by the lien, the location and identity of the filing or recording and full indexing information?

Lien

Property

Where Recorded or Filed

Book & Page #

27. Are any assets in which you have an interest subject to liens, attachments or other encumbrances?

28. What are the full details of the same in regard to each asset?

29. Do you have any other transactions with any person or entity, directly or indirectly, as a result of which you may now have, or may in the future become entitled to money or credit?
30. Have you given any person or entity statement of your financial condition within one (1) year prior to the date of this subpoena?
31. What assets are disclosed therein (or in the alternative supply a copy thereof)?
32. What is your social security number, any other current or prior social security numbers, and you current and last places of employment for the ten (10) years prior to the date of this subpoena?
33. Where do you live and with whom?
34. Do you occupy an apartment or house?
35. What is the landlord's name and address?
36. Have you a written lease?
37. Who pays the rent?
38. How is the rent paid, by check or cash?
39. When is the rent payable?
40. Do you get receipts for the rent from your landlord?
41. How much is the rent?
42. For how long a time have you lived in the premises you now occupy?
43. How much security do you have on deposit with your landlord?
44. Are you married?
45. What is your spouse's full name?
46. Are you the owner of the household furnishings in your home?

- 47. Are the furnishings covered by a security agreement?
- 48. How many children have you, and what are their ages?
- 49. Are any of your children employed?
- 50. Is your spouse engaged in an independent business?
- 51. What is the name and address of the business?
- 52. What is the nature of the business?
- 53. Is your spouse employed?
- 54. What is the name and address of the employer?
- 55. What is the nature of the occupation?
- 56. Do you carry any insurance?

<u>Company</u>	<u>Class</u>	<u>Policy Number</u>	<u>Amount</u>	<u>Premium</u>	<u>Kind</u>
----------------	--------------	----------------------	---------------	----------------	-------------

- 57. Have you borrowed against this insurance?
- 58. Do you own an automobile, airplane or boat?
- 59. Where do you keep the automobile, airplane and/or boat?
- 60. Have you any jewelry or diamonds?
- 61. Describe each item and give approximate values?
- 62. Do you own any interest in real estate?
- 63. Do you have any interest in a cooperative or condominium unit?
- 64. Do you own any security agreements or real estate mortgages?
- 65. Do you hold any participating interest in any real estate or security agreement?

66. Do you receive any income from trust funds?
67. Do you own any stocks, bonds or other securities?
68. Describe each item?
69. Are you an officer, director or shareholder (member) in any corporation (LLC)?
70. Do you own a piano, electronic appliance, music system, television, horses, livestock, trucks artworks or silverware?
71. Do you own any rugs or tapestries? If so, describe them.
72. Have you a library, collection of coins, stamps, antiques or other collectibles?
73. Do you receive royalties from any publications, patent, copyright or invention?
74. Do you own a seat in any stock, commodity, commercial or other exchange?
75. Are you a trustee, executor or administrator under any will or testament, insurance policy or trust agreement?
76. Have you any property in pawn?
77. Did you ever borrow money and pledge or deposit as collateral security any property, real or personal?
78. If so, state names and addresses of persons with whom such security was deposited.
79. Have you made a last will and testament?
80. Have you one or more safe deposit boxes?
81. If so give the location of each and the names of all persons having access to each box?
82. Are you a beneficiary under any trust or last will?
83. Do you receive or are you entitled to receive money from trust or pension funds?
84. Do you have an interest in insurance or other claims now pending?
85. If so, give details?

86. Do you have any other assets?

87. If so, give details?

Burgis D. Sethna

Sworn to before me on the ____ day
of _____, 201____

NOTARY PUBLIC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action No. 10-CIV-4218 (TPG)
RICHARD L. SHELTON,

Plaintiff,
-Against-

**QUESTIONS TO BE ANSWERED
IN CONNECTION WITH
INFORMATION SUBPOENA**

BURGIS D. SETHNA, Individually, and as an
Officer and Officer of Bank Card New York and
Bison Commercial Leasing Corp., BANK CARD
NEW YORK, and BISON COMMERCIAL
LEASING CORP.,

Defendant(s).

-----X

State of New York, County of _____ ss:

Burgis D. Sethna, being duly sworn, deposes and says; that deponent is the judgment debtor and recipient of an information subpoena herein and of the original and copy of questions accompanying said subpoena. The answers set forth below are made from the personal knowledge and records of the recipient.

1. What is your full name?
2. Have you ever been known by any other name?
3. What is your occupation or profession?
4. Are you presently employed?
5. By whom and upon what terms?
6. What is your salary and how is it payable?
7. Do you have a contract with your employer?
8. What is your title and what are your duties of employment?
9. Has your salary been the subject of an income execution?
10. By whom?
11. Has he/she a judgment against you?

12. What is the balance of that judgment now?
13. If you are not presently employed, state the date you were last employed?
14. Are you self-employed?
15. If you are self-employed, describe the nature of your business and state the names and addresses of your clients.
16. Do you have an interest in any checking, savings, money market, brokerage, mortgage, credit, lines of credit, retirement, 401(k), or other accounts currently held by any financial institution, either under your own name, under a trade or corporate name, or in association with others, as of the date of the subpoena or within one (1) year prior thereto?
17. As to each such account, what is the exact title of the account, name and address of account holder, and manner of payment, the date opened, amounts presently on deposit; the monthly amount, if closed, the amount on deposit when closed and the date closed?

<u>Title</u>	<u>Date Opened</u>	<u>Amount on Deposit</u>	<u>Date Closed</u>
--------------	--------------------	--------------------------	--------------------

18. Do you own or have an interest in any safe deposit box, whether under your name, under a trade or corporate name, or in association with others, as of the date of the subpoena or within one (1) year prior thereto?
19. As to each such box, what is the exact designation of the lessees thereof, the date hired, the date discontinued, and the names of those having access?

<u>Lessees</u>	<u>Date Hired</u>	<u>Date Discontinued</u>	<u>Those having access</u>
----------------	-------------------	--------------------------	----------------------------

20. Do any persons or entities hold collateral in which you have or may have an interest?

21. What is the description and value of each item of collateral?

Description

Value

22. What interest do you appear to have in each item of collateral?

23. Are you indebted to any other persons or entities?

24. As to each indebtedness, what is the amount of the original indebtedness, the date incurred, amount repaid and date of such repayment?

Amount

Date Incurred

Amount Repaid

Date Repaid

25. Does any person or entity hold any lien, mortgage or otherwise, against any property in which you have an interest?

26. What is the nature of each such lien, the full description of the property affected by the lien, the location and identity of the filing or recording and full indexing information?

Lien

Property

Where Recorded or Filed

Book & Page #

27. Are any assets in which you have an interest subject to liens, attachments or other encumbrances?

28. What are the full details of the same in regard to each asset?

29. Do you have any other transactions with any person or entity, directly or indirectly, as a result of which you may now have, or may in the future become entitled to money or credit?
30. Have you given any person or entity statement of your financial condition within one (1) year prior to the date of this subpoena?
31. What assets are disclosed therein (or in the alternative supply a copy thereof)?
32. What is your social security number, any other current or prior social security numbers, and you current and last places of employment for the ten (10) years prior to the date of this subpoena?
33. Where do you live and with whom?
34. Do you occupy an apartment or house?
35. What is the landlord's name and address?
36. Have you a written lease?
37. Who pays the rent?
38. How is the rent paid, by check or cash?
39. When is the rent payable?
40. Do you get receipts for the rent from your landlord?
41. How much is the rent?
42. For how long a time have you lived in the premises you now occupy?
43. How much security do you have on deposit with your landlord?
44. Are you married?
45. What is your spouse's full name?
46. Are you the owner of the household furnishings in your home?

47. Are the furnishings covered by a security agreement?

48. How many children have you, and what are their ages?

49. Are any of your children employed?

50. Is your spouse engaged in an independent business?

51. What is the name and address of the business?

52. What is the nature of the business?

53. Is your spouse employed?

54. What is the name and address of the employer?

55. What is the nature of the occupation?

56. Do you carry any insurance?

<u>Company</u>	<u>Class</u>	<u>Policy Number</u>	<u>Amount</u>	<u>Premium</u>	<u>Kind</u>
----------------	--------------	----------------------	---------------	----------------	-------------

57. Have you borrowed against this insurance?

58. Do you own an automobile, airplane or boat?

59. Where do you keep the automobile, airplane and/or boat?

60. Have you any jewelry or diamonds?

61. Describe each item and give approximate values?

62. Do you own any interest in real estate?

63. Do you have any interest in a cooperative or condominium unit?

64. Do you own any security agreements or real estate mortgages?

65. Do you hold any participating interest in any real estate or security agreement?

66. Do you receive any income from trust funds?
67. Do you own any stocks, bonds or other securities?
68. Describe each item?
69. Are you an officer, director or shareholder (member) in any corporation (LLC)?
70. Do you own a piano, electronic appliance, music system, television, horses, livestock, trucks artworks or silverware?
71. Do you own any rugs or tapestries? If so, describe them.
72. Have you a library, collection of coins, stamps, antiques or other collectibles?
73. Do you receive royalties from any publications, patent, copyright or invention?
74. Do you own a seat in any stock, commodity, commercial or other exchange?
75. Are you a trustee, executor or administrator under any will or testament, insurance policy or trust agreement?
76. Have you any property in pawn?
77. Did you ever borrow money and pledge or deposit as collateral security any property, real or personal?
78. If so, state names and addresses of persons with whom such security was deposited.
79. Have you made a last will and testament?
80. Have you one or more safe deposit boxes?
81. If so give the location of each and the names of all persons having access to each box?
82. Are you a beneficiary under any trust or last will?
83. Do you receive or are you entitled to receive money from trust or pension funds?
84. Do you have an interest in insurance or other claims now pending?
85. If so, give details?

86. Do you have any other assets?

87. If so, give details?

Burgis D. Sethna

Sworn to before me on the ____ day
of _____, 201____

NOTARY PUBLIC